

## 4 - Compensation

### What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

Primarily within criminal proceedings, the victim may enforce his or her claim for damages that arose as a consequence of the act subject of the accusation as civil claimant. In this case, the procedure conducted as part of the criminal proceedings for the enforcement of a civil claim is called as adhesion procedure. Civil claims may be enforced by other legal means as well. The fact that the victim did not take action as a civil claimant does not preclude the possibility of enforcing the claim. Under the conditions specified in the Code of Civil Procedure, a civil claim may also be enforced by the prosecutor instead of the victim.

### The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

Enforcement proceedings may be initiated within 30 days from the expiration of the fulfilment of obligations established by the court. In this respect, the court will issue an enforcement file based on the part of the decision made in the criminal proceedings that concerns the civil claim.

### If the offender does not pay, can the state pay me an advance? Under what conditions?

The state cannot pay you an advance. However, if an intentional violent criminal offence has been committed against you and as a consequence of it you have been injured physically and your health has been damaged you may receive state compensation. State compensation is independent from the civil claim, but if your loss or damage was compensated from other sources (e.g. by a court or insurer) within three years following the date when the decision on the merits of your application for compensation became final, you will be required to refund the compensation paid by the state.

### Am I entitled to compensation from the state?

You are entitled to state compensation if an intentional violent criminal offence has been committed against you which resulted in serious damage to your physical integrity and health.

You may also be entitled to state compensation if you are a close relative or dependant of such a victim or if you have paid for the funeral of the deceased victim.

Only victims who are in need based on their financial standing or other conditions set out by the law may be eligible to state compensation.

You may submit your application for state compensation to any victim support service (district government office). When deciding on your application, the authority will examine the causal link between the amount of damages and the criminal offence.

Applications for compensation may normally be submitted within 3 months from the day on which the crime was committed, and the maximum amount of compensation in 2017 is HUF 1 599 105.

## Am I entitled to compensation if the offender is not convicted?

If your criminal report is rejected, the investigation is terminated or the defendant is cleared for charges for reasons of grounds for exclusion specified by the law (namely: under-age, serious mental incapacity, coercion or duress, mistake, lawful self-defence, extreme necessity or a superior's command), you will be entitled to state compensation.

State compensation is independent from the civil claim, but if your loss or damage was compensated from other sources (e.g. by a court or insurer) within three years following the date when the decision on the merits of your application for compensation became final, you will be required to refund the compensation paid by the state.

If you enforce your civil right outside the criminal proceedings then the matter of criminal liability and compensation will become separate from each other, that is, the two proceedings may result in judgments with different contents.

## Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

As a victim of a crime or offence, you may be entitled to the payment of instant monetary aid for the purpose of remedying the crisis situation caused within a very short period by the crime or offence. You may submit your application to the victim support service (at a district government office), and the condition of receiving compensation is to report the crime to the police. Payment of instant monetary aid is decided based on the principle of equity and may be provided to victims without assessing whether they are in need. However, in the course of the proceedings, it must be examined whether the victim's personal circumstances resulting from the criminal offence justify this kind of monetary aid. Instant monetary aid is not compensation and it is not intended to compensate or mitigate the damage caused by the criminal offence. It may be provided for the coverage of nutrition, housing, travel, clothing, medical and funeral expenses of the victim. The amount of instant monetary is determined based on the victim's situation resulting from the criminal offence and the length of time during which the victim is unable to solve the his or her financial problems on his or her own. The maximum amount of the aid in 2017 is HUF 106 607.

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